

**NATURAL RESOURCE COMMISSION[571]**

**Adopted and Filed**

**Rule making related to deer hunting**

The Natural Resource Commission hereby amends Chapter 94, “Nonresident Deer Hunting,” and Chapter 106, “Deer Hunting by Residents,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 455A.5(6), 481A.38(1)“a,” 481A.39, 481A.48(1), 481A.48(5) and 481A.48(6).

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 481A.38(1)“a,” 481A.39, 481A.48(1), 481A.48(5), and 481A.48(6) and 2018 Iowa Acts, House File 631.

*Purpose and Summary*

Chapter 94 provides rules for deer hunting by nonresidents and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements. Chapter 106 provides rules for deer hunting by residents and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements.

**Chapter 94**

All of the rules regarding method of take in Chapter 94 are amended to reference the method of take rules in Chapter 106 to ensure consistency in the rules and to avoid the need to amend both chapters in the future when changes apply to both chapters.

Nonresident license quotas for any-sex and mandatory antlerless licenses in Chapter 94 are decreased in Zones 1, 2, and 10 and increased in Zone 9. The changes in quotas are intended to stabilize a declining deer population in the northwest area of the state, similar to the changes in this rule making regarding Chapter 106. More specifically, both any-sex and mandatory antlerless license quotas are decreased from 180 to 90 in Zones 1 and 2 for all methods of take. Because Iowa Code section 483A.8(3)“b” requires that a nonresident who purchases an any-sex license must also purchase an antlerless license, the two licenses are necessarily paired in the regulations. This decrease results in a corresponding decrease in any-sex licenses for bow season from 63 to 31 because Iowa Code section 483A.8(3)“c” also requires that bow licenses not account for more than 35 percent of nonresident any-sex deer licenses available each year. Similarly, both any-sex and mandatory antlerless license quotas will be decreased from 200 to 100 in Zone 10 for all methods of take, resulting in a corresponding decrease in any-sex licenses available for bow season from 70 to 35. Finally, both any-sex and mandatory antlerless license quotas are increased from 600 to 880 for all methods of take in Zone 9, resulting in an increase in any-sex licenses available for bow season from 210 to 308. The changes to the number of nonresident any-sex and mandatory antlerless licenses available in these four zones result in no net change to the number of nonresident any-sex and mandatory antlerless licenses available statewide.

**Chapter 106**

Several of the amendments to Chapter 106 involve reestablishment of a January antlerless-deer-only season in Allamakee, Appanoose, Clayton, and Wayne counties and define license requirements, season dates, bag limits, and means and method of take. This season is coupled with increased county quotas and is targeted at slowing the spread of chronic wasting disease (CWD) in the four counties.

Modifications to the resident antlerless deer county quotas are made to Allamakee, Appanoose, Bremer, Butler, Clayton, Fayette, Madison, Wayne, and Winneshiek counties. With the exception

of Bremer County, all quotas are increased in order to reduce deer densities for disease control or to alleviate negative human-deer interactions. The quota in Bremer County is decreased modestly as a first attempt to stabilize a healthy local population. Statewide, the overall quota change is an increase of 1,550.

Clarifications are made to the definition of a legal handgun and to the legal calibers for straight wall cartridge rifles. These clarifications will ensure that hunters can determine what firearms are a legal method of take for deer hunting in this state. These definitions apply only to the firearms that may be used while deer hunting and have no bearing on or relevance to other firearms laws.

Lastly, general organization and clarification changes are made in Chapter 106. For example, in subrule 106.1(9), two references to 2009 Iowa Acts are updated to reflect codification as Iowa Code section 483A.8C.

### *Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on April 11, 2018, as **ARC 3731C**. A public hearing was held on May 1, 2018, at 12 noon in Conference Room 4E, Wallace State Office Building, Des Moines, Iowa. No one attended the public hearing.

In total, 3,245 comments were received. Of the total comments, 98.4 percent addressed three subjects: opposed to a round limitation (1,161), opposed to language defining firearm types (1,137), and in favor of youth handgun use for deer hunting (895). The remaining 1.6 percent of the comments covered 14 different subjects relating to deer hunting.

The Commission has addressed the comments it received and has responded as follows:

- The six-round limitation proposed for 106.7(2) was not adopted.
- The language in 106.7(2)“c”(2) regarding shoulder stock or long-barrel modifications is revised to more closely follow Iowa Code section 481A.48(5).
- All other language defining firearm types in 106.7(2)“c” to “e” remains unchanged. The Commission believes that the language is accurate and consistent with the Iowa Code, and no sufficient alternative language has been proposed.
- The Commission notes that the ability to create a youth handgun season is beyond the authority of the Commission. Such a season is explicitly prohibited by Iowa Code section 481A.48(5).
- The Commission also received comments regarding 106.7(3) opposing the removal of handguns as an allowable method of take during the late muzzleloader season. In response, the proposal to strike “centerfire handguns” was not adopted.

Additionally, Item 14 has been added since publication of the Notice to amend subrule 106.10(2) to allow youth deer hunting licenses and tags to remain valid, if unfilled, in all subsequent deer hunting seasons. This amendment is added to enact a provision of 2018 Iowa Acts, House File 631, which was passed by the Iowa Legislature during the course of this rule making.

### *Adoption of Rule Making*

This rule making was adopted by the Commission on May 16, 2018.

### *Fiscal Impact*

This rule making should not result in any negative fiscal impact to the State. Deer hunting has been relatively constant in Iowa for many years, and none of the changes will substantially alter hunters’ ability to purchase tags and pursue deer. The Commission expects a very minor increase in license sales with only 1,550 additional tags being available statewide (many of which will be free or low-cost (\$10) tags). The Commission is not aware of any fiscal impact of this rule making on the general public, counties or local governments. A copy of the fiscal impact statement is available upon request from the Department of Natural Resources (Department).

### *Jobs Impact*

After analysis and review of this rule making, the Commission has determined that there should not be a noticeable change overall in deer hunting in the state based upon this rule making. The adopted quotas are designed to keep deer numbers stable in the identified counties, and will not significantly alter license sales overall. The following types of jobs are positively impacted by deer hunting in Iowa generally and should see no noticeable change due to this rule making: hunting equipment retailers (firearms, ammunition, clothing, chairs, stands, binoculars, and other supporting equipment); field guides and outfitters; taxidermists; and restaurants, hotels, and gas stations for hunters traveling around the state. A copy of the impact statement is available upon request from the Department.

### *Waivers*

This rule is subject to the waiver provisions of 561—Chapter 10. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

### *Effective Date*

This rule making will become effective on July 11, 2018.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 94.6(1) as follows:

**94.6(1) Zone license quotas.** Nonresident license quotas are as follows:

	<del>Any-deer</del> <u>Any-sex</u> licenses		Mandatory Antlerless-only	Optional Antlerless-only
	All Methods	Bow		
Zone 1.	<del>180</del> <u>90</u>	<del>63</del> <u>31</u>	<del>180</del> <u>90</u>	
Zone 2.	<del>180</del> <u>90</u>	<del>63</del> <u>31</u>	<del>180</del> <u>90</u>	
Zone 3.	560	196	560	
Zone 4.	1280	448	1280	
Zone 5.	1600	560	1600	
Zone 6.	800	280	800	
Zone 7.	360	126	360	
Zone 8.	240	84	240	
Zone 9.	<del>600</del> <u>880</u>	<del>210</del> <u>308</u>	<del>600</del> <u>880</u>	
Zone 10.	<del>200</del> <u>100</u>	<del>70</del> <u>35</u>	<del>200</del> <u>100</u>	
Total	6000	<del>2100</del> <u>2099</u>	6000	3500

ITEM 2. Rescind rule 571—94.7(483A) and adopt the following **new** rule in lieu thereof:

**571—94.7(483A) Method of take.** Permitted weapons and devices vary according to the type of season.

**94.7(1) Bow season.** Bow season is as described in 571—subrule 106.7(1).

**94.7(2) Regular gun seasons.** Regular gun seasons are as described in 571—subrule 106.7(2).

**94.7(3) Muzzleloader seasons.** Muzzleloader seasons are as described in 571—subrule 106.7(3).

**94.7(4) Prohibited weapons and devices.** Prohibited weapons and devices are as described in 571—subrule 106.7(6).

**94.7(5) Discharge of firearms from roadway.** Discharge of firearms from roadway is as described in 571—subrule 106.7(7).

**94.7(6) Hunting from blinds.** Hunting from blinds is as described in 571—subrule 106.7(8).

ITEM 3. Amend subrule 106.1(6) as follows:

**106.1(6) January antlerless-deer-only licenses.** ~~Rescinded IAB 8/6/14, effective 9/10/14.~~ Only antlerless-deer-only licenses, paid or free, will be issued for the January antlerless-deer-only season. Free antlerless-deer-only licenses shall be available only in the portion of the farm unit located in a county where paid antlerless-deer-only licenses are available during the January antlerless-deer-only season.

ITEM 4. Amend subrule 106.1(9) as follows:

**106.1(9) ~~Nonambulatory deer~~ Deer hunting licenses for nonambulatory persons.** The commission shall issue licenses in conformance with ~~2009 Iowa Acts, Senate File 187~~ Iowa Code section 483A.8C. A person applying for this license must provide a completed form obtained from the department of natural resources. The application shall be certified by the applicant's attending physician with an original signature and declare that the applicant is nonambulatory using the criteria listed in ~~2009 Iowa Acts, Senate File 187~~ Iowa Code section 483A.8C(4). A medical statement from the applicant's attending physician that specifies criteria met shall be on 8½" × 11" letterhead stationery. The attending physician shall be a currently practicing doctor of medicine, doctor of osteopathy, physician assistant or nurse practitioner.

ITEM 5. Amend subrule 106.2(5) as follows:

**106.2(5) January antlerless-deer-only season.** ~~Rescinded IAB 8/6/14, effective 9/10/14.~~ Antlerless deer may be taken from January 11 through the third Sunday after that date.

ITEM 6. Amend subrule 106.4(5) as follows:

**106.4(5) January antlerless-deer-only season.** ~~Rescinded IAB 8/6/14, effective 9/10/14.~~ The daily bag and possession limits and tagging requirements are the same as for the regular gun seasons.

ITEM 7. Amend subrule 106.6(4) as follows:

**106.6(4) January antlerless-deer-only licenses.** ~~Rescinded IAB 8/6/14, effective 9/10/14.~~ Licenses for the January antlerless-deer-only season shall be available in the following counties: Allamakee, Appanoose, Clayton, and Wayne. Prior to December 15, a hunter may purchase up to three January antlerless-deer-only licenses. Beginning December 15, an unlimited number of paid antlerless-deer-only licenses may be purchased for the January antlerless-deer-only season until the antlerless-deer-only quota as described in 106.6(6) is met in the aforementioned counties. These licenses may be obtained regardless of any other paid any-sex or paid antlerless-deer-only licenses that may have been obtained.

ITEM 8. Amend subrule 106.6(6) as follows:

**106.6(6) Antlerless-deer-only licenses.** Paid antlerless-deer-only licenses will be available by county ~~for the 2017–2018 deer season~~ as follows:

County	Quota	County	Quota	County	Quota
Adair	1025	Floyd	0	Monona	850
Adams	1450	Franklin	0	Monroe	1950
Allamakee	<del>3600</del> <u>3700</u>	Fremont	400	Montgomery	750
Appanoose	<del>1800</del> <u>2400</u>	Greene	0	Muscatine	775
Audubon	0	Grundy	0	O'Brien	0
Benton	325	Guthrie	1950	Osceola	0
Black Hawk	0	Hamilton	0	Page	750
Boone	300	Hancock	0	Palo Alto	0
Bremer	<del>650</del> <u>500</u>	Hardin	0	Plymouth	0

County	Quota	County	Quota	County	Quota
Buchanan	300	Harrison	850	Pocahontas	0
Buena Vista	0	Henry	925	Polk	1350
Butler	<del>0</del> <u>150</u>	Howard	350	Pottawattamie	850
Calhoun	0	Humboldt	0	Poweshiek	300
Carroll	0	Ida	0	Ringgold	1600
Cass	400	Iowa	450	Sac	0
Cedar	775	Jackson	825	Scott	200
Cerro Gordo	0	Jasper	775	Shelby	0
Cherokee	0	Jefferson	1650	Sioux	0
Chickasaw	375	Johnson	850	Story	150
Clarke	2100	Jones	800	Tama	200
Clay	0	Keokuk	450	Taylor	1600
Clayton	<del>3400</del> <u>3600</u>	Kossuth	0	Union	1500
Clinton	400	Lee	1275	Van Buren	2000
Crawford	0	Linn	850	Wapello	1825
Dallas	1875	Louisa	675	Warren	2200
Davis	1600	Lucas	2200	Washington	750
Decatur	2200	Lyon	0	Wayne	<del>2200</del> <u>2400</u>
Delaware	800	Madison	<del>2350</del> <u>2600</u>	Webster	0
Des Moines	800	Mahaska	475	Winnebago	0
Dickinson	0	Marion	1650	Winneshiek	<del>2275</del> <u>2375</u>
Dubuque	825	Marshall	150	Woodbury	625
Emmet	0	Mills	750	Worth	0
Fayette	<del>1800</del> <u>1900</u>	Mitchell	0	Wright	0

ITEM 9. Amend subrule 106.7(1) as follows:

**106.7(1) Bow season.** Only longbow, compound, or recurve bows shooting broadhead arrows are permitted during the bow season. Arrows must be at least 18 inches long.

a. Crossbows, as described in 106.7(1) “b,” may be used during the bow season in the following two situations:

(1) By persons with certain afflictions of the upper body as provided in ~~571—15.5(481A)~~ 571—15.22(481A); and

(2) By persons over the age of 70 with an antlerless-deer-only license as provided in Iowa Code section ~~483A.8A~~ 483A.8B.

b. Crossbow means a weapon consisting of a bow mounted transversely on a stock or frame and designed to fire a bolt, arrow, or quarrel by the release of the bow string, which is controlled by a mechanical trigger and a working safety. Crossbows equipped with pistol grips and designed to be fired with one hand are illegal for taking or attempting to take deer. All projectiles used in conjunction with a crossbow for deer hunting must be equipped with a broadhead.

~~b. c.~~ No explosive or chemical ~~devices~~ device may be attached to ~~the~~ any arrow, broadhead or bolt (if used with a crossbow).

ITEM 10. Amend subrule 106.7(2) as follows:

**106.7(2) Regular gun seasons.** Only 10-, 12-, 16-, and 20-gauge shotguns shooting single slugs, ~~and~~ straight wall cartridge rifles, as described in 106.7(2) “a” and “b,” muzzleloaders as described in 106.7(3), and handguns as described ~~more fully in 106.7(3), will be permitted for taking in 106.7(2) “c”~~ to “e” shall be used to take deer during the regular gun seasons.

a. Legal straight wall cartridge rifle calibers for hunting deer in Iowa must meet all of the following criteria:

- (1) Be center-fired;
- (2) Be straight-walled;
- (3) Have a diameter of 0.357 inches to 0.500 inches;
- (4) Have a case length no greater than 1.800 inches; and
- (5) For rimless cartridges, have a case length of no less than 0.850 inches, and for rimmed cartridges, have a case length of no less than 1.285 inches.

b. Notwithstanding 106.7(2) "a," the following calibers are considered legal straight wall cartridge rifle calibers:

- (1) .375 Winchester;
- (2) .444 Marlin; or
- (3) .45-70 Gov't.

c. Legal centerfire handguns for hunting deer in Iowa must meet all of the following criteria:

- (1) Have a 4-inch minimum barrel length;
- (2) Have no shoulder stock or long barrel modifications;
- (3) Be designed to be shot with one hand using a pistol grip and have either:
  1. A cylinder of several chambers brought successively into line with the barrel and discharged with the same hammer; or
  2. A magazine feeding a single chamber integral with the barrel and using either the action of a slide or a bolt action to eject the casing, or having a break action capable of only holding one round.

d. Legal centerfire handgun calibers for hunting deer in Iowa must meet all of the following criteria:

- (1) Be center-fired;
- (2) Be straight-walled;
- (3) Have a diameter of 0.357 inches to 0.500 inches;
- (4) Have a case length no greater than 1.800 inches; and
- (5) For rimless cartridges, have a case length of no less than 0.850 inches, or for rimmed cartridges, have a case length of no less than 1.285 inches.

e. Notwithstanding 106.7(2) "d," the following calibers are considered legal centerfire handgun calibers:

- (1) .375 Winchester;
- (2) .444 Marlin; or
- (3) .45-70 Gov't.

ITEM 11. Amend subrule 106.7(3) as follows:

**106.7(3) Muzzleloader seasons.** Only muzzleloading rifles and muzzleloading pistols will be permitted for taking deer during the early muzzleloader season. During the late muzzleloader season, deer may be taken with a muzzleloading rifle, muzzleloading pistol, centerfire handgun, crossbow as described in 106.7(1) "b," or bow as described in 106.7(1).

a. Muzzleloading rifles are defined as flintlock or percussion cap lock muzzleloaded rifles and muskets of not less than .44 caliber and not larger than .775 caliber, shooting single projectiles only.

b. Centerfire handguns must be .357 caliber or larger shooting straight wall cartridges propelling an expanding-type bullet (no full-metal jacket) and complying with all other requirements provided in Iowa Code section 481A.48. In addition, centerfire handguns must be designed to be shot with one hand using a pistol grip and have either:

- (1) A cylinder of several chambers brought successively into line with the barrel and discharged with the same hammer; or
- (2) A magazine feeding a single chamber integral with the barrel and using either the action of a slide or a bolt action to eject the casing, or having a break action capable of only holding one round.

c. b. Muzzleloading pistols must be .44 caliber or larger, shooting shoot single projectiles only, and have a 4-inch minimum barrel length.

~~d. Crossbow means a weapon consisting of a bow mounted transversely on a stock or frame and designed to fire a bolt, arrow, or quarrel by the release of the bow string, which is controlled by a mechanical trigger and a working safety. Crossbows equipped with pistol grips and designed to be fired with one hand are illegal for taking or attempting to take deer. All projectiles used in conjunction with a crossbow for deer hunting must be equipped with a broadhead.~~

~~e. Legal handgun calibers for hunting deer in Iowa are listed in the department of natural resources' hunting and trapping regulations booklet published each summer and adopted by reference herein. Centerfire handguns and black powder handguns must have a 4-inch minimum barrel length, and centerfire handguns shall not have any parts that extend beyond the back of the pistol grip. There can be no shoulder stock or long-barrel modifications to any handgun.~~

ITEM 12. Amend subrule 106.7(5) as follows:

**106.7(5) *January antlerless-deer-only season.*** ~~Rescinded IAB 8/6/14, effective 9/10/14. Bows,~~ Bows, crossbows, shotguns, muzzleloaders, and handguns as described in this rule, and centerfire rifles .24 caliber or larger, may be used during the January antlerless-deer-only season.

ITEM 13. Amend subrule 106.7(6) as follows:

**106.7(6) *Prohibited weapons and devices.*** The use of dogs, domestic animals, bait, rifles other than muzzleloaded or straight wall cartridge as provided in 106.7(2), 106.7(3), 106.7(5), and 106.10(5), handguns except as provided in 106.7(2) and ~~106.7(3)~~ 106.7(5), crossbows except as provided in 106.7(1) and 106.7(3), automobiles, aircraft, or any mechanical conveyance or device, including electronic calls, is prohibited, except that paraplegics and single or double amputees of the legs may hunt from any stationary motor-driven land conveyance. "Bait" means grain, fruit, vegetables, nuts, hay, salt, mineral blocks, or any other natural food materials; commercial products containing natural food materials; or by-products of such materials transported to or placed in an area for the intent of attracting wildlife. Bait does not include food placed during normal agricultural activities. "Paraplegic" means an individual with paralysis of the lower half of the body with involvement of both legs, usually due to disease or injury to the spinal cord. It shall be unlawful for a person, while hunting deer, to carry or have in possession a rifle except as provided in 106.7(2), 106.7(3), 106.7(5), and 106.10(5). A person in possession of a valid permit to carry weapons may carry a handgun while hunting. However, ~~only the handguns listed as described in 106.7(3) shall~~ 106.7(2) may be used to hunt deer and only when a handgun is a lawful method of take.

ITEM 14. Amend subrule 106.10(2) as follows:

**106.10(2) *Season dates.*** Deer of either sex may be taken statewide for 16 consecutive days beginning on the third Saturday in September. A person who is issued a youth deer hunting license and does not take a deer during the youth deer hunting season may use the deer hunting license and unused tag during ~~the early muzzleloader, late muzzleloader, and one of the shotgun~~ any subsequent deer seasons. The license will be valid for the type of deer and in the area specified on the original license. The youth must follow all other rules specified in this chapter for each season, including method of take. ~~A youth hunting in one of the other seasons must obtain a hunting license and habitat stamp or hunt with a licensed adult if required by Iowa Code section 483A.24. If the tag is filled during one~~ any of the seasons, the license will not be valid in subsequent seasons.

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